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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 3:97-CR-00044 (HRH)
)	
v.)	
)	
Peter D. Germain,)	PLAINTIFF'S MOTION
)	TO RELEASE ATTACHED
Defendant.)	<u>PFD FUNDS</u>
_____)	

Plaintiff the United States of America, by and through the United States Attorney for the District of Alaska, hereby moves this Court to release funds currently held in the Court's Registry.

1. On or about May 7, 2007, a Levy upon a continuing Writ of Execution pursuant to Alaska Statute 43.23.065 was entered in this action attaching defendant's Alaska Permanent Fund dividend payment for 2007.

2. Alaska Statute 43.23.065(d) frees plaintiff from the service requirement of notifying the debtor of the writ. The Alaska Department of Revenue automatically notifies the debtor of

attached PFD funds at the time the funds are turned over to the Court.

3. Pursuant to execution of the Writ, on or about November 16, 2007, dividend monies from the State of Alaska in the amount of \$1,652.00 were deposited into the Registry of this Court.

4. More than thirty (30) days have elapsed since the State notified the defendant of his right to object. To date, no objection has been filed. Defendant's right to object is now in default.

WHEREFORE, plaintiff hereby requests that the attached funds in the amount of \$1,652.00 currently held in the Court's Registry be released from the Registry and deposited by the Clerk of Court into U.S. Treasury Account "0022-6855XX" (XRNF) as payment toward defendant's criminal restitution.

RESPECTFULLY SUBMITTED this 9th day of January, 2008, at Anchorage, Alaska.

NELSON P. COHEN
UNITED STATES ATTORNEY

s/Richard L. Pomeroy
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
Motion to Release PFD Funds was mailed this 9th day of January,
2008, to the following:

Peter Germain
990 Edinborough Drive
Palmer, AK 99645

s/Richard L. Pomeroy
Office of U.S. Attorney